APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,246	09/28/2001	William M. Houston	END920010068US1	5159

			EXAMINER
5409	7590	12/23/2003	LEROUX, ETIENNE PIERRE

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ART UNIT	PAPER NUMBER
2171	3

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 09/966,246	**Applicant(s)** HOUSTON ET AL.
	Examiner Etienne P LeRoux	**Art Unit** 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _28 September 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

     a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 11-03)   Office Action Summary   Part of Paper No. 3

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "wherein if a plurality of access control groups are associated with a given instance then each such access control group of the plurality of access control groups has an independent level of access control relating to the given instance." The scope of the present invention cannot be determined as it is not clear whether applicant is claiming a plurality of access control groups.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-16 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,819,251 issued to Kremer et al (hereafter Kremer '251).

Claim 1:

- creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2];

- storing the template in a template manager database, said storing the template implemented by the template manager [col 8, lines 53-60];

  Kremer '251 discloses the elements of claim 1 as noted above.

  Kremer '251 fails to disclose:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;

- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and

- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.

  Official Notice is taken that the following is well-known and expected in the art.

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N

instances, said N at least 2, said generating the N instances implemented by the template

manager;

- storing the N instances in the template manager database, said storing the N instances

  implemented by the template manager; and

- transmitting the N instances to the corresponding N locations, said transmitting the N

  instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the

above for the purpose of making available the RDMS at a plurality of client sites for the

particular use of the client.

Claim 2:

Kremer '251 discloses said control information further including administrative

information [col 1, lines 40-47].

Claim 3:

Kremer '251 discloses said administrative information being location dependent [col 1,

lines 40-47].

Claim 4:

Kremer '251 discloses said administrative information being location independent [col 1,

lines 40-47].

Claim 6:

Kremer '251 discloses obtaining the design information, said obtaining implemented by

an agent; and transmitting the design information to the template manager, said transmitting the

design information implemented by the agent [col 7, lines 1-14]

Claim 7:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

However, Kremer '251 discloses obtaining the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent [col 7, lines 1-14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of testing certain features of the design.

Claim 8:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines.

Official Notice is taken that transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 to include the elements as noted above for the purpose of using an everyday means of communication.

Claim 9:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose further comprising: refreshing the template based on update design information, said refreshing the template implemented by the template manager; refreshing the N instances based on the refreshed template, said refreshing the N instances implemented by the template manager; and transmitting the N refreshed instances to the corresponding N locations, said transmitting the N refreshed instances implemented by the template manager.

Official Notice is taken that the following is well-known and expected in the art: refreshing the template based on update design information, said refreshing the template implemented by the template manager; refreshing the N instances based on the refreshed template, said refreshing the N instances implemented by the template manager; and transmitting the N refreshed instances to the corresponding N locations, said transmitting the N refreshed instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of updating the template according to the evolution of the design.

Claim 10:

Kremer '251 discloses further comprising providing the update design information to the template manager, said providing the update design information implemented by an agent [col 7, lines 1-14].

Claim 11:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose refreshing M instances of the N instances based on update control information, said M ≤N, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include refreshing M instances of the N instances based on update control information, said M≤N, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of confining updates to those clients who requested the updates.

Claim 12:

Kremer '251 discloses further comprising providing the update design information to the template manager, said providing the update design information implemented by an agent [col 7, lines 1-14].

Claim 13:

- creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2];

- storing the template in a template manager database, said storing the template implemented by the template manager [col 8, lines 53-60];

    Kremer '251 discloses the elements of claim 1 as noted above.

    Kremer '251 fails to disclose:

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager;

- storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and

- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.

    Official Notice is taken that the following is well-known and expected in the art.

- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N

instances, said N at least 2, said generating the N instances implemented by the template

manager;

- storing the N instances in the template manager database, said storing the N instances

  implemented by the template manager; and

- transmitting the N instances to the corresponding N locations, said transmitting the N

  instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above

for the purpose of making available the RDMS at a plurality of client sites for the particular use

of the client.

Claim 14:

Kremer '251 discloses said control information further including administrative

information [col 1, lines 40-47].

Claim 15:

Kremer '251 discloses said administrative information being location dependent [col 1,

lines 40-47].

Claim 16:

Kremer '251 discloses said administrative information being location independent [col 1,

lines 40-47].

Claim 18:

Kremer '251 discloses obtaining the design information, said obtaining implemented by

an agent; and transmitting the design information to the template manager, said transmitting the

design information implemented by the agent [col 7, lines 1-14]

Claim 19:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

However, Kremer '251 discloses obtaining the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent [col 7, lines 1-14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of testing certain features of the design.

Claim 20:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines.

Official Notice is taken that transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 to include the elements as noted above for the purpose of using an everyday means of communication.

Claim 21:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose said template manager further adapted to refresh the template based on update design information refresh the N instances based on the refreshed template; and transmit the N refreshed instances to the corresponding N locations.

Official Notice is taken that the following is well-known and expected in the art: said template manager further adapted to refresh the template based on update design information refresh the N instances based on the refreshed template; and transmit the N refreshed instances to the corresponding N locations.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of updating the template according to the evolution of the design and transmitting same to a user who requests the updated design.

Claim 22:

Kremer '251 discloses further comprising providing an agent, said agent adapted to provide the update design information to the template manager [col 7, lines 1-14].

Claim 23:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose said template manager further adapted to: refresh M instances of the N instances based on update control information, said M≤N, and transmit the M refreshed instances to the corresponding M locations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kremer '251 to include said template manager further adapted to: refresh M instances of the N instances based on update control information, said M≤N, and transmit the M refreshed instances to the corresponding M locations.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the above for the purpose of confining updates to those clients who requested the updates.

Claim 24:

Kremer '251 discloses providing an agent, said agent adapted to provide the update control information to the template manager [col 7, lines 1-14].

Claim 25:

Kremer '251 discloses a computer usable medium having a computer readable code embodied therein, said computer readable code including a template manager adapted to:

create a template based on design information [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7];

store the template in a template manager database [col 8, lines 53-60];

Kremer '251 fails to disclose generate N database instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2; store the N instances in the template manager database; and

transmit the N instances to the corresponding N locations.

Official Notice is taken that the following is well-known and expected in the art: generate

N database instances based on the template and on control information for the N instances, said

control information including configuration control information, said configuration control

information identifying N locations corresponding to the N instances, said N at least 2; store the

N instances in the template manager database; and transmit the N instances to the corresponding

N locations

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the

above for the purpose of making available the RDMS at a plurality of client sited for the

particular use of the client.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kremer

'251 in view of Pub No US 2003/0200197 issued to Long et al (hereafter Long '197).

Claim 5:

Kremer '251 discloses the elements of claim 1 as noted above.

Kremer '251 fails to disclose said control information comprising access control

information, said access control information identifying at least one access control group for

each instance of the N instances.

Long '197 discloses said control information comprising access control information, said

access control information identifying at least one access control group for each instance of the

N instances.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Kremer '251 to include said control information comprising access control

information, said access control information identifying at least one access control group for

each instance of the N instances as taught by Long '197.

The ordinarily skilled artisan would have been motivated to modify Kremer '251 per the

above for the purpose of making services available to authorized users.

Claim 17:

Kremer '251 discloses the elements of claim 13 as noted above.

Kremer '251 fails to disclose said control information comprising access control

information, said access control information identifying at least one access control group for

each instance of the N instances, wherein if a plurality of access control groups are

associated with a given instance then each such access control group of the plurality of access

control groups has an independent level of access control relating to the given instance.

Long '197 discloses said control information comprising access control information, said

access control information identifying at least one access control group for each instance of the

N instances.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the combination of Kremer '251 and Long '197 to include said control

information comprising access control information, said access control information identifying at

least one access control group for each instance of the N instances, wherein if a plurality of

access control groups are associated with a given instance then each such access control group of

the plurality of access control groups has an independent level of access control relating to the given instance.

The ordinarily skilled artisan would have been motivated to modify the combination of Kremer '251 and Long '197 per the above for the purpose of making services available to authorized users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

12/12/2003
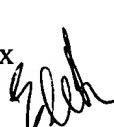
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